

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**ACHATES REFERENCE PUBLISHING,
INC.**

Plaintiff

vs.

SYMANTEC CORPORATION, et al.

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 2:11-cv-294

JURY TRIAL DEMANDED

DOCKET CONTROL ORDER

In accordance with the status conference held on the 7th day of December, 2011, it is hereby ORDERED that the following schedule of deadlines is in effect until further Order of this Court:

STEP	ACTION	RULE	DATE DUE
1	Initial Case Management Conference	Patent L.R. 2-1 FRCP 26(f)	December 7, 2011
2	Patentee serves Disclosure of Asserted Claims and Preliminary Infringement Contentions of a reasonable number of representative claims	Patent L.R. 3-1	January 25, 2012
3	Patentee makes Document Production Accompanying Disclosure	Patent L.R. 3-2	Same as 2
4	Initial Disclosures	FRCP 26(a)(1)	February 1, 2012
5	Accused Infringers serve Preliminary Invalidity Contentions	Patent L.R. 3-3	March 20, 2012
6	Accused Infringers make Document Production Accompanying Preliminary Invalidity Contentions	Patent L.R. 3-4	Same as 5
7	All parties make Exchange of Proposed Terms and Claim Elements for Construction	Patent L.R. 4-1(a)	March 29, 2012
8	Patentee shall limit the number of asserted claims to no more than ten (10) and notify the accused infringers and the Court		April 12, 2012
9	All parties meet and confer to discuss	Patent L.R. 4-1(b)	April 26, 2012

STEP	ACTION	RULE	DATE DUE
	list of Proposed Terms and Claim Elements for Construction		
10	Deadline for early mediation at the Parties' request		May 11, 2012
11	All parties make Exchange of Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2	May 17, 2012
12	All parties meet and confer to discuss Preliminary Claim Constructions and Extrinsic Evidence	Patent L.R. 4-2(c)	June 14, 2012
13	All parties jointly file Joint Claim Construction and Prehearing Statement	Patent L.R. 4-3	July 12, 2012
14	Deadline to join other parties without leave of Court, which shall be at least 60 days before the deadline for filing dispositive motions		Same as 13
15	Deadline to file amended pleadings without leave of Court, which shall be at least 30 days before the deadline for filing dispositive motions		August 9, 2012
16	Completion of Claim Construction Discovery	Patent L.R. 4-4	August 9, 2012
17	Patentee files opening claim construction brief	Patent L.R. 4-5(a)	September 6, 2012
18	Accused infringers file responsive claim construction brief	Patent L.R. 4-5(b)	October 4, 2012
19	Patentee files reply brief on claim construction	Patent L.R. 4-5(c)	October 25, 2012
20	ONLY WITH LEAVE OF COURT, Accused infringer files sur-reply brief on claim construction		November 15, 2012
21	Parties file Joint Claim Construction Chart	Patent L.R. 4-5(d)	December 13, 2012
22	Pre-hearing Conference and technical tutorial if necessary		The day before the Claim Construction Hearing or in combination with the Claim Construction hearing
23	Claim Construction Hearing	Patent L.R. 4-6	January 17, 2013
24	Court's Claim Construction Ruling		On or about (3 weeks after 23) subject to the Court's scheduling and/or use of a technical advisor
25	Patentee makes Final Infringement Contentions	Patent L.R. 3-6(a)	On or about 30 days after claim construction ruling

STEP	ACTION	RULE	DATE DUE
26	Accused Infringers serve Preliminary Unenforceability Contentions		On or about 40 days after claim construction ruling
27	Accused Infringers make Document Production Accompanying Preliminary Unenforceability Contentions		On or about 40 days after claim construction ruling
28	Accused Infringers make Final Invalidity Contentions	Patent L.R. 3-6(b)	On or about 50 days after claim construction ruling
29	Accused Infringers make disclosure relating to willfulness	Patent L.R. 3-8	On or about 50 days after claim construction ruling
30	Accused Infringers make Final Unenforceability Contentions		On or about 60 days after claim construction ruling
31	Deadline for completion of all fact discovery, which shall be at least 90 days before the final pre-trial conference		On or about 80 days after claim construction ruling
32	Deadline for disclosure of expert testimony on issues for which a party bears the burden of proof	FRCP 26(a)(2) L.R. CV-26(b)	On or about 90 days after claim construction ruling
33	Deadline for disclosure of rebuttal expert testimony	FRCP 26(a)(2) L.R. CV-26(b)	On or about 110 days after claim construction ruling
34	Deadline for late mediation at the Parties' request		
35	Deadline for completion of expert discovery		30 days after rebuttal expert testimony
36	Deadline for objections to other parties' expert witnesses		After 35
37	Deadline for filing dispositive motions, including motions on invalidity and unenforceability, which shall be at least 60 days before the initial pretrial conference		June 13, 2013
38	Deadline for filing all <i>Daubert</i> motions		Same as 37
39	Deadline for parties to make pretrial disclosures	FRCP 26(a)(3)	July 25, 2013
40	Patentee to provide to other parties its information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		August 15, 2013
41	Defendants and Third-parties to Provide to Patentee their information for Joint Final Pretrial Order, Proposed Jury Instruction and Verdict Form		August 29, 2013

STEP	ACTION	RULE	DATE DUE
42	Parties to file Proposed Joint Final Pretrial Order, Proposed Jury Instructions, Joint Verdict Forms, and Motions in Limine. Prior to initial pretrial conference, parties shall confer with each other regarding the other party's Motion in Limine, deposition designations, and exhibits and shall submit to the Court in writing any objections they may have to the other party's Motions in Limine, deposition designations, and exhibits.		September 13, 2013
43	Initial Pretrial Conference and hearing on Motions in Limine if required and hearing on objections to deposition designations and exhibits		TBD
44	Final Pretrial Conference before Judge David Folsom		October 7, 2013
45	Jury Selection before Judge David Folsom		

SIGNED this 6th day of January, 2012.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE